

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHEN FIELDS,

Plaintiff,

-against-

MICHAEL J. ASTRUE, Commissioner
Of Social Security,

Defendant.
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P. KEVIN CASTEL, District Judge:

Plaintiff filed his pro se complaint on July 27, 2009, to challenge the denial of his application for Social Security disability insurance benefits. On August 3, 2009, this case was referred to Magistrate Judge Dolinger for general pretrial matters. On December 3, 2009, Judge Dolinger issued a Report and Recommendation ("R&R") recommending that this Court transfer this action to the United States District Court for the Eastern District of New York because venue in this district is improper. (R&R at 2).

The R & R advised the parties that they had fourteen days from service of the R & R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. The R & R expressly called plaintiff's attention to Rule 72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038 (1992). See also Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008).

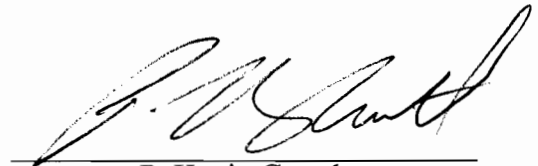
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ORDER ADOPTING
REPORT AND
RECOMMENDATION

The R&R is adopted in its entirety and the defendant's motion to transfer
is GRANTED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
December 21, 2009